

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS J. FOX and JODI L. FOX,	)	
his wife,	)	
Plaintiffs	)	
vs.	)	Civil Action No. 06-1010
	)	Judge Terrence F. McVerry/
LAWRENCE COUNTY JAIL,	)	Magistrate Judge Amy Reynolds Hay
Defendant	)	
and	)	
	)	
PRIMECARE MEDICAL, INC.,	)	
Additional Defendant	)	

**ORDER**

AND NOW, this 24<sup>th</sup> day of October, 2007, after the Plaintiffs, Thomas J. Fox and Jodi L. Fox, filed an action in the above-captioned case, and after a Motion to Dismiss was filed by Defendant Primecare Medical, Inc., and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the motion to dismiss filed by PrimeCare Medical, Inc. is denied.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

BY THE COURT:

s/ Terrence F. McVerry  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

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